

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 16, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERROD JUSTIN HALE,

Defendant.

No. 4-21-CR-06008-SMJ-3

ORDER DENYING DEFENDANT'S
MOTION TO REOPEN
DETENTION HEARING

ECF No. 170

On December 16, 2021, the Court conducted a hearing on Defendant's Motion to Reopen Detention Hearing (ECF No. 170). With his consent, Defendant appeared by video from Benton County Jail. Defendant was represented by Tim Nguyen. Assistant United States Attorney Stephanie Van Marter represented the United States.

Defendant initially waived his right to a detention hearing. ECF Nos. 30, 45. The Court therefore treats this as an initial detention determination. However, Defendant has now entered a guilty plea, which the Court has accepted. ECF Nos. 163, 166. Therefore, a presumption of detention applies and the Court must order

ORDER DENYING DEFENDANT'S MOTION TO REOPEN DETENTION
HEARING - 1

1 that Defendant remain detained pending his sentencing unless the Court finds by
2 clear and convincing evidence that Defendant is not likely to flee or pose a danger
3 to the community. 18 U.S.C. § 3143. The Court notes that a presumption of
4 detention also applies given the nature of the charges. Defendant is charged with
5 conspiracy to distribute and possession with intent to distribute 50 grams or more
6 of methamphetamine and 400 grams or more of fentanyl and felon in possession of
7 a firearm. ECF No. 73.

8 The United States proffers that jail calls demonstrate that Defendant
9 facilitated drug distribution-related activity for a co-defendant while that co-
10 defendant was in custody. The United States proffers that an investigation led to a
11 search warrant for a hotel room connected with Defendant, in which law
12 enforcement discovered fentanyl pills, methamphetamine, additional controlled
13 substances, and a firearm in a backpack associated with the Defendant. The
14 presence of firearms in connection with controlled substances gives the Court
15 concern about danger to the community.

16 The Court also has concerns about Defendant's substantial criminal history,
17 which includes convictions for violent crimes such as domestic violence assault
18 (2003, 2007, 2017). Defendant also has a previous conviction for unlawful
19 possession of a firearm (2016). Defendant was on Washington State Department
20 of Corrections (DOC) supervision following his conviction for controlled

1 substance violations and unlawful possession of a firearm and violated his
2 conditions on multiple occasions in 2020 by failing to report as directed and
3 consuming controlled substances. ECF No. 169 at 9. Most concerning to the
4 Court, however, is the fact that Defendant was subject to DOC supervision for
5 those crimes when he accumulated a new criminal charge of felon in possession of
6 a firearm. The accumulation of new criminal charges while on supervision—
7 especially those related to possessing firearms—gives the Court serious concern
8 about danger to the community.

9 The Court also has concerns about the risk of nonappearance given
10 Defendant's two prior convictions for escape (2005, 2017) and his multiple
11 previous failures to appear.

12 Given this record, the Court finds that Defendant has not met his burden of
13 establishing by clear and convincing evidence that he is not a risk of flight or
14 danger to the community.

15 Accordingly, **IT IS ORDERED:**

16 1. Defendant's Motion to Reopen Detention Hearing (**ECF No. 170**) is
17 **DENIED**. Defendant shall remain held in detention pending disposition of this
18 case or until further order of the Court.

1 2. If a party seeks review of this Order by another court pursuant to 18
2 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol
3 found in LCrR 46(k).

4 DATED December 16, 2021.

5 s/Mary K. Dimke
6 MARY K. DIMKE
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20